REMARKS

The present response cancels claim 18 without prejudice or disclaimer as to the subject matter recited therein. In addition, the specification and claims 19-21 have been amended to correct typographical errors and matters of form. Claims 1-17 and 19-21 remain pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Section 102 Rejection

Claims 1-3, 5-7, 10-12, 14-16, and 18-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,706,435 to Barbara et al. (hereinafter "Barbara"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference. *Verdegaal Bros. v. Union Oil Co. of California,* 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Using this standard, Applicants submit the cited art fails to disclose each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

Barbara teaches away from a client sending a request that includes a numeric-valued generation ID (GID) to a server. Each of the present independent claims 1, 10, 19, and 21 set forth a communication path from a client to a server. Specifically, the client is claimed to send a request to the server. Included with that request is a numeric-valued generation ID or GID. The Office Action alleges that the item "information identifying" is the same as the claimed GID. Applicants disagree.

First, the "information identifying" cannot be a GID since the "information identifying" is described throughout Barbara as being sent not from a client, but from a server. For example:

> The server processor periodically broadcasts invalidation reports to the client processor. Each respective invalidation report includes information identifying which, if any, of the plurality of data values have been updated within a predetermined period of time before the server processor broadcasts the respective invalidation report (Barbara – col. 2, lines 60-63; Abstract).

> Each server 10a-10d includes a process for forming and broadcasting periodic invalidation reports to any of the clients 20a-20f . . . At step 104, each client 20a-20f receives the invalidation reports . . . (Barbara -- col. 4, lines 8-10; col. 4, lines 25-26).

Barbara makes clear that the "information identifying" within the invalidation reports are sent from the server, not the client as claimed. Thus, the so-called "information identifying" cannot be included with a request from a client, and cannot be the same as or equivalent to the claimed GID sent from the client to the server.

Barbara does not teach or suggest incrementing the GID by the server and returning it to the client. Each of the present independent claims teach that once the GID is received from the client by the server, the server will then increment the GID before returning it to the client. Since the "information identifying" is not received by the server, it would be impossible for Barbara to increment the "information identifying" by the server before returning it to the client as claimed. Moreover, as claimed, the GID is incremented "upon receiving the request." As set forth in Barbara, it is clear that the "information identifying" cannot be incremented, and will certainly not be incremented if the cache entry invalidation does not change, as would be the case in Barbara since the cache entries are within clients 20a-20f, rather than in the servers 10a-10d (Barbara – col. 3, lines 53-62).

Barbara does not teach or suggest a server that compares the GID received from the client against a GID that was previously recorded in the server to detect if an affinity break has occurred. Each of the present independent claims 1, 10, 19, and 21 recite the relevant comparing and detecting concepts, either explicitly or implicitly, in order to determine if an affinity break has occurred between a client and a server. Barbara has nothing whatsoever to do with detecting an affinity break, and appears limited to describing instances in which a break in cache coherency has occurred and, thus, an invalidation report is needed. It appears there is a rather profound miscommunication between what is known as an "affinity break" set forth in the present claims and "invalidation" in general.

Details of what would constitute an affinity break and the differences between client/server affinity and cache incoherency/invalidation are set forth throughout the present specification. *See*, for example, page 15, lines 4-35; page 24, line 37 - page 26, line 7. Affinity breaks are provided to determine whether communication between a particular client and a particular server has been interrupted. If so, then the data specific to a client stored in the cache of a server may be invalid. To determine affinity breaks, a GID can be used that is unique for each request. The GID sent from a client can then be compared with a stored GID to determine if a break has occurred. As each request is received, the server will increment its GID and a break is encountered if the received and stored GIDs as

incremented do not match. Comparing GIDs and detecting affinity breaks occurs well before any determination is needed on which pieces of data stored in cache are to be invalidated.

Barbara only deals with instances in which invalid data are known and a report of such data is present. This is entirely non-analogous to affinity breaks or the problem solved by the present claims of determining a break in communication between a client and a server. Certainly, a skilled artisan would appreciate the difference between communication breaks which will be detected as an affinity break and invalidation reports. Thus, not only does Barbara teach away from the present claims, but certainly does not provide any motivation for its modification to that of the present claims.

For at least the foregoing reasons, Applicants assert that the pending independent claims and claims dependent therefrom are not anticipated by the cited art. Accordingly, Applicants request removal of this rejection.
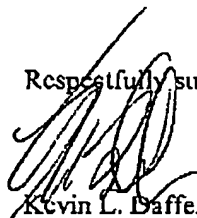
Section 103 Rejection

Claims 4, 8-9, 13, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barbara in view of U.S. Patent No. 6,327,628 to Anuff et al. (hereinafter "Anuff"). For at least the reasons set forth above, Applicants reiterate that independent claims 1, 10, 19, and 21, as well as claims dependent therefrom, are patentable over the cited art. Neither Barbara nor Anuff, either singularly or in combination, teach or suggest the patentably distinct features set forth above. Accordingly, Applicants respectfully request removal of this rejection.

CONCLUSION

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed April 9, 2004. In view of the remarks traversing the rejections, Applicants assert that pending claims 1-17 and 19-21 are in condition for allowance. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Conley Rose, P.C. Deposit Account No. 03-2769/5468-05700.

Respectfully submitted,

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